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September 12, 2024

By ECF

Honorable Robert W. Lehrburger
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Ali Moore v. City of New York, et al.
22-CV-10957 (LGS) (RWL)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York, and the attorney for defendants the City of New York, David Castro, Nilsa Nivar (formerly Nilsa Patricio), Sanjay Bajnauth, Antonio Castelluccio, David Maldonado, and Kevin Rosas (the "City Defendants") in the above-referenced action. City Defendants write, joint with NYCHHC Defendants, pursuant to the Court's Memo Endorsement of August 13, 2024.

By way of background, in the Court's Opinion and Order on City Defendants' and NYCHHC Defendants' motions to dismiss, dated July 10, 2024, the Court ordered City Defendants and NYCHHC Defendants to "ascertain the identify of each Doe Defendant who remains in this action as set forth above and with whom they are affiliated," and to "provide to Plaintiff and the Court the name and address where each such Doe Defendant may be served, if the City and NYCHHC do not accept service on the Defendant's behalf." ECF No. 181 at 21. On August 12, 2024, defendants filed a joint status report identifying six previously unidentified NYPD employees, two previously unidentified FDNY employees, and five previously unidentified members of the NYCHHC Hospital Police. *See* ECF No. 190. However, City Defendants required additional time to confirm (1) FDNY EMT Kraft's current employment status and service address, (2) FDNY Gomez's full name, employment status, and service address, and (3) NYPD Lieutenant Ronzino's service address; and NYCHHC Defendants required additional time to confirm employment statuses and service addresses for Officer Pemberton, Captain Lopez, and Sgt. Rivera. *See id.* On August 13, 2024, the Court ordered City Defendants and NYCHHC Defendants to provide this additional *Valentin* information by September 12, 2024.

City Defendants' Response

The City has confirmed that FDNY EMT Robert Kraft, Badge No. 3502, who, along with defendant Rosas, was assigned to the FDNY ambulance in which plaintiff was transported to Harlem Hospital on October 1, 2021. Although it is unclear what claims plaintiff purports to assert against EMT Kraft, given that he merely rode in or drove the ambulance to the hospital after receiving a call that an ambulance was needed to transport a patient to the hospital, the City has confirmed that EMT Kraft is still employed by the FDNY and may be served at FDNY Bureau of Legal Affairs, located at 9 MetroTech Center, Brooklyn, New York 11201.

Additionally, the City has confirmed that NYPD Lieutenant Salvatore Ronzino, who was lawfully present in plaintiff's apartment (based on consent) on October 5, 2021, may be served at 235 East 20th Street, 8th Floor, New York, New York 10003. Last, the City has identified the FDNY Lieutenant who appears to have arrived at plaintiff's apartment when the door was already open and was inside the apartment for less than five minutes on October 5, 2021 (was not involved in transporting plaintiff to Mount Sinai St. Luke's Hospital), as FDNY Lieutenant Alexander Gomez, Badge No. 0303. Lt. Gomez may be served at FDNY Bureau of Legal Affairs, located at 9 MetroTech Center, Brooklyn, New York 11201.

NYCHHC Defendants' Response

NYCHHC respectfully requests an additional two weeks to provide the necessary information. Upon issuance of the Court's Valentin Order, we email our contact at the NYCHHC Police Department and have since followed up without any response. It is possible that our contact is no longer there. Accordingly, we ask for two more weeks to investigate the employment status and, if no longer employed, the last known addresses of P.O. Terrence Pemberton; Captain David Lopez; and Sgt Joel Rivera.

We thank the Court for its time and consideration of this matter.

Respectfully submitted,

Evan J. Gottstein /s/
Evan J. Gottstein
Assistant Corporation Counsel
Special Federal Litigation Division


Request granted. NYCHHC Defendants shall provide the information required by the Court's Valentin Order by September 26, 2024.

cc: Via ECF
All Counsel of Record

Via First Class Mail
Ali Moore
Plaintiff Pro Se
2506 East Overland Avenue
Baltimore, Maryland 21214

SO ORDERED:

09/17/2024


HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE